

Message Text

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ACTION DLOS-09

INFO OCT-01 IO-13 ISO-00 ACDA-07 AID-05 CEA-01 CEQ-01
CG-00 CIAE-00 EPG-02 COME-00 DODE-00 DOTE-00
EB-07 EPA-01 ERDA-05 FMC-01 TRSE-00 H-01 INR-07
INT-05 JUSE-00 L-03 NSAE-00 NSC-05 NSF-01 OES-07
OMB-01 PA-01 PM-04 PRS-01 SP-02 SS-15 AF-10
ARA-10 EA-07 EUR-12 NEA-10 FEA-01 AGR-01 USIE-00
SSO-00 INRE-00 NSCE-00 OIC-02 /159 W
-----142105Z 067517 /72

O 141939Z JUN 77

FM USMISSION USUN NEW YORK
TO AMEMBASSY ROME NIACT IMMEDIATE
SECSTATE WASHDC IMMEDIATE 4013

C O N F I D E N T I A L SECTION 1 OF 2 USUN 1887

DEPT. PASS ALL DIPLOMATIC POSTS

FROM US DEL LOS

E.O. 11652: GDS

TAGS: PLOS

SUBJECT: LOS CONFERENCE -- CLASSIFIED SUPPLEMENT TO WEEKLY
REPORT - WEEK OF JUNE 6-10, 1977

1) SUMMARY: IT IS TOO EARLY TO TELL WHETHER THE STRONG U.S.
STATEMENT ON FRIDAY, COMBINED WITH A SHARP MODERATE/RADICAL
SPLIT IN THE G-77, WILL PRODUCE THE DESIRED BREAKTHROUGH ON
TERMS ACCEPTABLE TO US. IF PROGRESS IS TO BE MADE ON COMMITTEE I
ISSUES, MEANS MUST BE FOUND, THROUGH EVENSEN OR OTHERWISE,
TO ALLOW REAL NEGOTIATION IN SMALL AND INFORMAL SETTINGS.
EVENSEN, HIMSELF, WILL BE IN MOSCOW UNTIL THURSDAY, JUNE 16,
AND THE QUESTION OF HIS CONTINUING ROLE, IF ANY, MAY
BE HELD IN ABEYANCE UNTIL THEN. IT IS OUR ESTI-
MATION THAT THE ELEMENTS FOR A REAL NEGOTIATION
IN COMMITTEE I MAY BE PRESENT, DESPITE THE MANY
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CRITICISMS DIRECTED AT THE EVENSEN TEXT. THE PRO-
CEDURAL MEANS TO BRING ABOUT A REAL NEGOTIATION
REMAIN TO BE DEFINED. END SUMMARY.

2) COMMITTEE I - AT WEEK'S END, PROSPECTS FOR
SUCCESSFUL RESOLUTION OF THE COMMITTEE I IMPASSE ARE UNCERTAIN.
THIS UNCERTAINTY IS BOTH SUBSTANTIVE AND PROCEDURAL.

A. EVENSEN'S SECOND DRAFT TEXT OF ARTICLES DEALING WITH THE SYSTEM OF EXPLOITATION WAS STRONGLY CRITICIZED BY MAJOR DEVELOPED COUNTRIES (E.G., US UK, FRG AND FRANCE) AND BY A RANGE OF G-77 SPOKESMEN (E.G., BRAZIL, PERU, MAURITIUS, ALGERIA). THE G-77, IN A DEVELOPMENT THAT SOME CLAIMED WAS WITHOUT PRECEDENT, FAILED TO AGREE UPON A GROUP POSITION ON THE DRAFT EVENSEN TEXT. THIS MODERATE-RADICAL SPLIT REFLECTED ITSELF IN THE REMARKS OF G-77 DELEGATES. A PARTICULARLY FIRM US STATEMENT DELIVERED BY AMB. RICHARDSON ON FRIDAY AFTERNOON HAD A SOBERING EFFECT ON THE PROCEEDINGS, BUT BY THE END OF THE SATURDAY MORNING SESSION, DID NOT APPEAR TO HAVE PRECIPITATED G-77 UNITY IN OPPOSITION TO THE EVENSEN APPROACH. ONLY THE USSR AND MEMBERS OF THE EASTERN BLOC INDICATED A WILLINGNESS TO ACCEPT THE EVENSEN COMPROMISE PACKAGE IN ITS CURRENT FORM THE USSR JOINED CANADA AND THE G-77 IN URGING, HOWEVER, THAT THE CEILING ON SEABED NICKEL PRODUCTION BE SET AT 50 PERCENT OF THE PROJECTED GROWTH SEGMENT, NOT 75 PERCENT.

B. THE PRC LEVELED THE SHARPEST ATTACK ON THE EVENSEN TEXT. IN A HIGHLY POLEMICAL STATEMENT, THE PRC REJECTED ANY SUGGESTION OF A PARALLEL SYSTEM OF EXPLOITATION AS FAVORED BY THE US. ALGERIA AND ECUADOR ALSO INSISTED ON REVISION OF THE EVENSEN TEXT TO REFLECT THE G-77'S PREFERENCE FOR A UNITARY SYSTEM IN WHICH THE AUTHORITY WOULD HAVE WIDE DISCRETIONARY

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POWER TO REGULATE SEABED MINING. MEXICO, INDIA AND SINGAPORE WERE LEADING PROPONENTS OF A MORE MODERATE DEVELOPING COUNTRY VIEW, ADVOCATING A "DUAL CONVERGING SYSTEM", COMBINING DIRECT STATE PARTY ACCESS WITH MANDATORY JOINT VENTURES BETWEEN THE ENTERPRISE AND STATE ENTITIES. HIS LATTER VIEW PRESUMES THAT AFTER 20-25 YEARS, THE SYSTEM WOULD EVOLVE INTO A UNITARY JOINT VENTURE SYSTEM.

C. PROCEDURES FOR COMMITTEE I IN THE REMAINING WEEK OF THE SESSION HAVE NOT BEEN SET. EVENSEN GAVE A NEW REVISION OF HIS TEXT TO PAUL ENGO, THE CHAIRMAN OF COMMITTEE I, ON SATURDAY, JUNE 11, ON A CONFIDENTIAL BASIS. ENGO PURPORTEDLY PLANS TO KEEP THE EVENSEN REVISED TEXT CONFIDENTIAL FOR AN UNSPECIFIED PERIOD OF TIME. ENGO WILL ADDRESS A FORMAL MEETING OF COMMITTEE I ON TUESDAY, JUNE 14, TO URGE THAT THE COMMITTEE BEGIN WORK ON SO-CALLED INSTITUTIONAL ARRANGEMENTS (STRUCTURE OF, AND

VOTING IN, THE ORGANS OF THE AUTHORITY). ALSO, ENGO
IS CONVENING A TASK GROUP (INCLUDING THE U.S.,
MEXICO AND INDIA) TO EXAMINE FINANCIAL ARRANGEMENTS
BETWEEN THE AUTHORITY AND SEABED MINERS.

D. WE ANTICIPATE THAT THE EVENSEN REVISED TEXT
WILL CONTAIN SUBSTANTIAL IMPROVEMENTS WITH REGARD TO
THE QUOTA OR ANTI-MONOPOLY ISSUE, AS WELL AS IN THE
ANNEX PROVISIONS GOVERNING THE NEGOTIATIONS AND
AWARD OF CONTRACTS FOR SEABED MINING. WHEN AND
HOW THESE IMPROVEMENTS WILL BE DISCLOSED TO THE CON-
FERENCE IS AN OPEN QUESTION. IT IS IMPORTANT THAT,
IN THEIR GENERALLY CRITICAL STATEMENTS, NEITHER THE
DEVELOPED COUNTRIES NOR THE G-77, REJECTED EVENSEN
AS MEDIATOR, OR HIS TEXT IN ITS ENTIRETY.

NOTE BY OC/T: NOT PASSED ALL DIPLOMATIC POSTS.
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ACTION DLOS-09

INFO OCT-01 IO-13 ISO-00 AF-10 ARA-10 EA-07 EUR-12
NEA-10 ACDA-07 AID-05 CEA-01 CEQ-01 CG-00 CIAE-00
EPG-02 COME-00 DODE-00 DOTE-00 EB-07 EPA-01
ERDA-05 FMC-01 TRSE-00 H-01 INR-07 INT-05 JUSE-00
L-03 NSAE-00 NSC-05 NSF-01 OES-07 OMB-01 PA-01
PM-04 PRS-01 SP-02 SS-15 FEA-01 AGR-01 USIE-00
INRE-00 NSCE-00 SSO-00 OIC-02 /159 W
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FM USMISSION USUN NEW YORK
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C O N F I D E N T I A L SECTION 2 OF 2 USUN 1887

DEPT PASS ALL DIPLOMATIC POSTS

FROM US DEL LOS

3) COMMITTEE II - COMMITTEE II COMMENCES ITS WORK ON JUNE 13. WE EXPECT THE WORKING GROUPS OF LAST SESSION TO BE REACTIVATED, AT LEAST ON THE STATUS OF THE ECONOMIC ZONE, CONTINENTAL SHELF AND REVENUE SHARING, LANDLOCKED STATES TRANSIT RIGHTS TO THE SEA, AND DELIMITATION. THE GROUP OF 21 (LL/GDS AND COASTAL STATES) WILL CONTINUE TO FOCUS ON ACCESS OF LL/GDS TO RESOURCES IN NEIGHBORING ZONES. WE ARE WORKING TO PREVENT ANY NEGOTIATION GROUP ON STRAITS.

THE MARGINEERS MET LAST WEEK, WITH THE FOCUS ON REVENUE SHARING (WHICH CONCEPT ALL, EXCEPT AUSTRALIA, SUPPORT). ARGENTINA AND INDIA FAVOR AN LDC EXEMPTION IN ONE FORM OR ANOTHER. OTHER MEMBERS OF THE GROUP, EXCEPT THE U.S., EITHER SUPPORT THE EXEMPTION OR ARE WEAK IN OPPOSITION. IN ADDITION, THERE

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IS LITTLE SUPPORT FOR THE U.S. POSITION THAT THE REVENUES COLLECTED FROM MINERAL EXPLOITATION BEYOND 200 MILES GO TO INTERNATIONAL OR REGIONAL DEVELOPMENT ORGANIZATIONS RECOGNIZED BY THE U.N. FOR DISTRIBUTION TO THE LDC'S. THE OTHER MEMBERS OF THE GROUP FAVOR, OR WILL NOT REALLY OPPOSE, THE SEABED AUTHORITY AS THE RECIPIENT ORGANIZATION, ALBEIT FOR DISTRIBUTION TO LDC'S.

THE GROUP OF FIVE MET ON STRAITS AND SOUGHT AGREEMENT ON AN AMENDMENT TO ARTICLE 42, PART III (ENFORCEMENT) TO COMPLETE A PACKAGE AGREEABLE TO MALAYSIA. WHILE NO AGREEMENT HAS BEEN REACHED, PROGRESS WAS MADE. THE USSR AND UK SOUGHT TO NARROW THE U.S. ARTICLE 42 WORKED OUT IN KUALA LUMPUR IN MARCH.

WE CONTINUED OUR BILATERAL CONSULTATIONS WITH INDONESIA ON ARCHIPELAGOES, WITH THE LATTER CONTINUING TO PRESS AMENDMENTSS REGARDING EXEMPTING CIVIL OVERFLIGHT FROM ARCHIPELAGIC SEALAND PASSAGE, LIMITING STATE AIRCRAFT TO ALTITUDE BLOCKS, INCREASING ARCHIPELAGIC STATES RIGHTS OVER NAVIGATION AND OTHER ITEMS OF LONG STANDING INTEREST TO THEM. WE WILL MEET WITH THEM AGAIN ON JUNE 16.

CANADA IS WORKING ACTIVELY WITH OTHER STATES (E.G., GREECE) THAT FAVOR EQUIDISTANCE AS THE PRINCIPLE FOR DELIMITING ECONOMIC ZONES AND CONTINENTAL SHELVES. CURRENT TEXT FAVORS EQUITABLE PRINCIPLES AS THE BASIC RULE-. WE INFORMED THE CANADIAN DELEGATION

THAT US DEL WAS NOT REPEAT NOT RESPONSIBLE FOR THE
CURRENT TEXTS, AND DOES NOT WISH TO EXTEND BILATERAL
DELIMITATION PROBLEMS TO THE LOS CONFERENCE.

4) COMMITTEE III - A SMALL PRIVATE CONSULTING
GROUP CHAIRED BY NORWAY MET TO WORK ON POLLUTION
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PROBLEMS. DISCUSSION CONCENTRATED ON ARTICLE 38 OF
PART III, THE FLAG STATE RIGHT TO PREEMPT PROSECU-
TIONS OF ITS VESSELS UNDERATTACK BY OTHERS. UK
AND US ATTEMPTED TO MOVE TOWARD A COMPROMISE WHICH
WOULD RESTRICT APPLICATION OF PREEMPTION RIGHT TO
VIOLATIONS OCCURRING BEYOND 200 MILES BUT WHICH WOULD
GIVE FLAG STATE CLEAR OPPORTUNITY FOR FIRST PROSE-
CUTION. THE SOVIET UNION OPPOSED CHANGE IN
THIS ARTICLE, HOWEVER, AND CHANGES TO POLLUTION TEXT
IN GENERAL. IF SOVIET ATTITUDE CONTINUES, IT MAY
WELL BE DIFFICULT TO ACHIEVE ANY CHANGES IN MARINE
POLLUTION TEXT, EVEN ON NON-CONTROVERSIAL POINTS.

ON SCIENTIFIC RESEARCH, SOVIETS HAVE REJECTED
U.S. POSITION AND HAVE CONTINUED TO PUSH FOR COM-
PLETELY DISCRETIONARY COASTAL STATE CONSENT REGIME.
U.S. CONTINUES TO STRESS NECESSITY OF CHANGES IN
OUR DIRECTION IN RSNT, I.E., TO
NARROW, RATHER THAN BROADEN, THE SCOPE FOR DIS-
CRETIONARY CONSENT. WIDESPREAD EXPRESSION OF THIS
POINT SEEMS BEST METHOD OF PERSUADING PRESIDENT
AMERASINGHE AND OTHERS THAT CHANGES MUST BE MADE
BEFORE CONSOLIDATED TEXT ISSUED. COMMITTEE III ITSELF
IS DIFFICULT FORUM TO ACHIEVE CHANGES GIVEN SOVIET
ATTITUDE AND THEIR INFLUENCE WITH CHAIRMAN YANKOV
(BULGARIA).
LEONARD

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
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Decaption Note:
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Disposition Approved on Date:
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Disposition Event:
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Subject: LOS CONFERENCE -- CLASSIFIED SUPPLEMENT TO WEEKLY REPORT - WEEK OF JUNE 6-10, 1977 1) SUMMARY: IT IS TOO EARLY TO TELL WHETHER THE ST
TAGS: PLOS, US, XX, GROUP OF 77
To: ROME STATE
Type: TE
vdkgvkey: odbc://SAS/SAS.dbo.SAS_Docs/4a6c147d-c288-dd11-92da-001cc4696bcc
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